

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL JOSEPH ORTIZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:24-cv-02351-DC-DMC

ORDER ADOPTING THE PARTIES'
STIPULATION FOR THE AWARD OF
ATTORNEY'S FEES AND EXPENSES
UNDER THE EQUAL ACCESS TO JUSTICE
ACT

(Doc. No. 19)

On August 28, 2024, Plaintiff Samuel Joseph Ortiz filed this action seeking review of a final decision of Defendant Commissioner of Social Security. (Doc. No. 1.) On January 10, 2025, the matter was remanded to the Commissioner of Social Security for further proceedings pursuant to 42 U.S.C. § 405(g). (Doc. No. 17.) On January 17, 2025, the parties filed a stipulation with the court in which the parties agree that Plaintiff shall be awarded attorney's fees and expenses under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$5,679.86, and no costs under 28 U.S.C. § 1920. (Doc. No. 19.)

Good cause appearing, and pursuant to the parties' January 17, 2025 stipulation, the court orders as follows:

1. Pursuant to the EAJA, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's fees and expenses in the amount of \$5,679.86;

- 1 2. No costs are awarded under 28 U.S.C. § 1920;
- 2 3. After the issuance of this order, the government shall consider the assignment of
3 the EAJA attorney's fees to Plaintiff's counsel;
4 a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such
5 assignment will depend on whether the attorney's fees are subject to any
6 offset allowed under the United States Department of Treasury's ("the
7 DOT") Offset Program;
8 b. Fees shall be made payable to Plaintiff, but if the DOT determines that
9 Plaintiff does not owe a federal debt, then the government shall cause the
10 payment of attorney's fees to be made directly to Plaintiff's counsel,
11 Francesco Paulo Benavides;
- 12 4. Whether the payment of attorney's fees is made payable to Plaintiff or to his
13 counsel, the check will be mailed to Plaintiff's counsel's mailing address at:
14 Francesco Paulo Benavides
15 Law Offices of Francesco
16 1990 N. California Blvd., 8th Floor
17 Walnut Creek, CA 94596

18 IT IS SO ORDERED.

19 Dated: January 24, 2025



Dena Coggins
United States District Judge